

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

ROBERT L. APTER, M.D., FACEP; MARY)	
TALLEY BOWDEN, M.D.; and PAUL E.)	
MARIK, MBBCh, M.MED, FCCM, FCCP,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	
)	
DEPARTMENT OF HEALTH AND HUMAN)	No. 3:22-cv-184
SERVICES; XAVIER BECERRA, in his)	
official capacity as Secretary of Health and)	
Human Services; FOOD AND DRUG)	
ADMINISTRATION; and ROBERT M.)	
CALIFF, M.D., MACC, in his official capacity)	
as Commissioner of Food and Drugs,)	
)	
<i>Defendants.</i>)	
)	

NOTICE OF APPEAL

PLEASE TAKE NOTICE that Plaintiffs hereby appeal to the United States Court of Appeals for the Fifth Circuit from this Court's December 6, 2022, Memorandum Opinion and Order (ECF No. 45) dismissing Plaintiffs' Amended Complaint.

December 9, 2022

/s/ R. Trent McCotter

R. Trent McCotter
Attorney-In-Charge
So. Dist. No. 3712529
N.C. Bar No. 43045
Jared M. Kelson (*pro hac vice*)
D.C. Bar No. 241393
Boyden Gray & Associates
801 17th St. NW, #350
Washington, DC 20006
(202) 706-5488
mccotter@boydengrayassociates.com

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the CM/ECF system, will be sent via electronic mail to the registered participants as identified on the Notice of Electronic Filing.

/s/ R. Trent McCotter

R. Trent McCotter